

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

CODE REVISION COMMISSION on
behalf of and for the benefit of THE
GENERAL ASSEMBLY OF
GEORGIA, and THE STATE OF
GEORGIA,

Plaintiff,

v.

PUBLIC.RESOURCE.ORG, INC.

Defendant.

CIVIL ACTION NO.

1:15-CV-02594-MHC

**PLAINTIFF COMMISSION'S FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS (Nos. 1- 6)**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, the Local Rules of the United States District Court for the Northern District of Georgia, and in accordance with this Court's Scheduling Order (*see* Dkt. No. 013), Plaintiff Code Revision Commission on Behalf of and For the Benefit of the General Assembly of Georgia and the State of Georgia ("Commission"), by and through its attorneys, hereby requests that Defendant Public.Resource.Org, Inc. ("Public.Resource") produce for inspection and copying at the offices of Meunier Carlin & Curfman LLP, 999 Peachtree Street NE, Suite 1300, Atlanta, Georgia 30309, within thirty (30) days of this request, the documents described below.

DEFINITIONS

The following definitions shall apply with respect to each of the following requests for production and each of the terms defined below, when used in any request, shall have the meaning given herein:

1. The terms “Public.Resource, Inc.,” “Public.Resource,” “Defendant,” “You,” and “Your” mean and include Public.Resource, Inc., any parent, subsidiary, affiliate or related company thereof, any predecessor-in-interest, and each of Public.Resource’s present and former officers, including Carl Malamud, directors, agents, employees, attorneys, accountants, investigators, consultants, or other person acting or purporting to act for Public.Resource or on its behalf.
2. The terms “Plaintiff” and “Commission” mean and include the Georgia Code Revision Commission.
3. The term “Complaint” as used herein means Commission’s Complaint, filed on July 21, 2015 (Dkt. No. 001), and all amended versions thereof.
4. The terms “Case” and “Action” mean and include the cause numbered and styled as shown in the caption of the document.
5. The term “entity” means corporations, companies, businesses, partnerships, proprietorships, or fictitious or trade names.
6. The terms “communication,” “communicated,” “contact,” and

“contacted” include any transmission of information in the form of facts, ideas, inquiries, or otherwise, in any form, between or among two or more persons, by written, oral, or any other means, including, but not limited to, discussions, conversations, negotiations, agreements, understandings, meetings, conferences, interviews, telephonic conversations, correspondence, notes, minutes, memoranda, telegrams, telexes, electronic mail messages, facsimiles, advertisements, or other forms of oral or written intercourse, however transmitted.

7. The term “date” means the exact day, month, and year, if ascertainable, or, if not, the best available approximation.

8. The terms “document” and “documents” shall have the broadest meaning accorded by Rule 34(a) of the Federal Rules and shall include, without limitation, all of the matters defined in Rule 1001 of the Federal Rules of Evidence, communications (as defined herein), memoranda, stenographic or handwritten notes, drafts, studies, publications, invoices, ledgers, journals, books, records, accounts, pamphlets, voice recordings, photographs, reports, surveys, statistical compilations, work papers, data processing cards, computer tapes or printouts, microfiche or microfilm, and writings of every other kind and character, whether originals or reproductions. The terms “document” and “documents” also include every copy where such copy is not an identical reproduction of the original or where such copy contains any commentary, marginal comment, or notation

whatsoever that does not appear in the original. The terms “document” and “documents” also mean and include any printed, typewritten, or handwritten matter of reproduction thereof of whatever character, or means or electronic storage of information, such as e-mail, that is within your possession, control, or custody. The terms “document” and “documents” also include all drafts. Without limitation of the term “control,” a document is deemed to be within your control if you have ownership, possession, or custody of the document or a copy thereof, or the right to secure the document or a copy thereof, from any other person or public or private entity having physical possession thereof. If any document requested herein was, but is no longer, subjected to your control, please state what disposition was made of it, and the date or dates, or the approximate date or dates, of such disposition without limitation, any electronic or computerized compilation. A non-identical copy is a separate document within the meaning of this term. “Document” and “documents” shall also include any and all data compilations from which information can be obtained.

9. The term “describe” means to set forth a complete and detailed statement of all information, circumstances, and facts that refer to, relate to, reflect, comprise, or bear upon the matter concerning which information is requested.

10. The term “identify” means:

- a. in connection with natural persons, to state their full names, titles and

job descriptions, if applicable, and their present or last known business and home addresses;

- b. in connection with firms, partnerships, corporations, proprietorships, associations or other entities, to state their name, and each of their present or last known addresses;
- c. in connection with documents, to describe the documents, setting forth their dates, titles, authors, addressees, parties thereto and the substance thereof, with such reasonable particularity as would be sufficient to permit them to be sought by subpoenas *duces tecum* or under the provisions of Rule 34 of the Federal Rules. Documents to be identified shall include both documents in your possession, custody and control and all other documents of which you have knowledge; and
- d. in connection with oral statements and communications, to (i) state when and where they were made; (ii) identify each of the makers and recipients thereof, in addition to all others present; (iii) indicate the medium of communication; and (iv) state their substance.

11. The term “O.C.G.A.” means a publication containing the official code of Georgia and annotations of the official code.

12. The terms “person” and “people” include natural persons, firms,

partnerships, associations, trusts, corporations, or any entities of any kind or description.

13. The terms “post” and “posted” means to make able, or to assist in making able, to be viewed, downloaded and/or accessed as, for example, on a website.

14. The terms “reflecting,” “referring,” “relating/related,” and “concerning” shall be used in the broadest sense and shall mean and include, without limitation, referring to, mentioning, discussing, containing, alluding to, responding to, connected with, commenting on, in respect of, about, regarding, discussing, showing, analyzing, constituting, setting forth and/or evidencing, in any manner whether directly or indirectly, the subject matter of the interrogatory.

15. The term “re-keying” refers to a process by which the text of a document is reentered by hand into a work for republication or reproduction purposes.

16. The term “role” means function, duty, or capacity.

17. Unless stated otherwise, these requests for production are not limited to any particular time frame.

INSTRUCTIONS

In addition to the Federal Rules, governing law, and the applicable Local Rules, please respond in accordance with the following instructions:

1. In producing documents and things responsive to these requests, Public.Resource shall furnish all documents within its possession, custody, or control, regardless of whether these documents are possessed directly by Public.Resource, or by its present or past agents, employees, representatives, investigators, or attorneys.

2. In selecting Documents from files and other sources and numbering of such Documents for production, do so in a manner that allows determination of the source and order of each Document.

3. Produce file folders with tabs or labels or directories of files identifying Documents intact with such Documents.

4. Do not separate Documents attached to each other.

5. Produce Documents with control numbers permitting identification of particular documents by their assigned number.

6. If after conducting a reasonable investigation, a full response cannot be provided for any request, state that such is the case and respond to the fullest extent possible.

7. If any privilege and/or the work product doctrine is asserted as an objection to producing any requested document or thing, or if any document or thing is not produced in full, produce the document or thing to the extent the request for production is not objected to, and in so doing state the following: (a) the precise privilege or ground for not producing the document or thing in full; (b) the general subject matter of the document or thing and the date on

which the document or thing was created; and (c) all facts which tend to show or support that a privilege claim may have been waived by disclosure to a third party.

8. If Public.Resource maintains that any document or thing requested by Commission has been destroyed, set forth the contents of the document or thing, the date of its destruction, and the name of the person who authorized its destruction.

9. Where an objection is made to a discovery request, state all grounds upon which Public.Resource's objection is based and, if applicable, the extent to which the discovery request is nonetheless being answered.

10. Commission's discovery requests are to be regarded as continuing, and Public.Resource is requested to provide, by way of supplementary responses, any additional information, most notably that specified under Rule 26(e) of the Federal Rules of Civil Procedure, that may hereinafter be obtained by Public.Resource, or any person acting on Public.Resource's behalf, which will augment or otherwise modify Public.Resource's responses.

REQUESTS FOR PRODUCTION

REQUEST NO. 1: All documents relating to the O.C.G.A., excluding the O.C.G.A. volumes and supplements posted on Public.Resource's website <https://law.resource.org> and/or on the website www.archive.org.

REQUEST NO. 2: All documents relating to the State of Georgia, the General Assembly of the State of Georgia or the Code Revision Commission of the State of Georgia.

REQUEST NO. 3: Documents sufficient to show Public.Resource's non-profit entity status at the times it copied the O.C.G.A.

REQUEST NO. 4: Documents sufficient to identify all of Public.Resource's officers, directors, employees, and board members between 2010 and present.

REQUEST NO. 5: Carl Malamud's publication titled *10 Rules for Radicals*.

REQUEST NO. 6: All documents identified in Public.Resource's responses to all interrogatories or used, relied on, or considered by Public.Resource in drafting its responses to interrogatories.



January 15, 2016

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benefit of the General Assembly of
Georgia, and the State of Georgia*

CERTIFICATE OF SERVICE

I certify that on Friday, January 15, 2016, the foregoing **Plaintiff Commission's First Request for Production of Documents (Nos. 1-6)** was served upon counsel for Defendant Public.Resource.Org by electronic mail at the addresses listed below.

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By: _____

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